

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BEATRICE SHIRLEY WILLIAMS STEELE,

Plaintiff,

-against-

CAPITAL ONE BANK,

Defendant.

23-cv-03745 (ALC)

ORDER

ANDREW L. CARTER, JR., District Judge:

The Court is in receipt of Plaintiff’s request for pro bono counsel. ECF No. 4. Unlike in criminal cases, in civil cases does not entitle litigants to counsel. *Hodge v. Police Officers*, 802 F.2d 58, 60 (2d Cir. 1986). Courts have “broad discretion” in deciding whether to grant a litigant’s request for pro bono representation. *Id.* Courts cannot “appoint” counsel and may only “request” that an attorney volunteer to represent a litigant. *Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 301–310 (1989). Courts do not have funds to pay counsel in civil cases.

The Second Circuit has articulated a legal framework for evaluating a litigant’s request for pro bono counsel. *Hodge*, 802 F.2d at 61–62. Plaintiff has demonstrated that she is indigent by successfully applying for leave to proceed *in forma pauperis*. The court must then “determine whether the indigent’s position seems likely to be of substance.” *Id.* at 61. Plaintiff has not met this burden. For this reason, Plaintiff’s Application for the Court to Request Counsel is **DENIED.**

The Clerk of the Court is respectfully requested to close the motion at ECF No. 4.

The Clerk of the Court is respectfully requested to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: August 24, 2023
New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge